

United States District Court, Northern District of Illinois

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Name of Assigned Judge or Magistrate Judge	John W. Darrah	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	12-cv-2325	DATE	5/10/12
CASE TITLE	Conroy v. Chicago Police Department		

DOCKET ENTRY TEXT

Plaintiff moves to proceed *in forma pauperis* on his appeal. Plaintiff's motion to proceed on appeal *in forma pauperis* [15] is denied. See statement below.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

On March 5, 2012, Plaintiff Neal Conroy filed a Complaint with an application to proceed without paying the customary \$350 filing fee. Plaintiff's Complaint alleges that during the course of his arrest by the Chicago Police Department, a "level II vest" Plaintiff wore was taken and later destroyed by the Chicago Police Department. Plaintiff sought recovery of the vest or monetary damages, amounting to the value of this vest. This Complaint was dismissed on March 21, 2012, for failure to state a claim upon which relief may be granted. Despite this ruling, Plaintiff Conroy filed another Complaint, alleging the exact same facts, as well as the facts of an entirely separate and unrelated incident, involving what he claims was the illegal taking of a road flare Plaintiff possessed at the time of one of his arrests. Nothing in Plaintiff's confusing and rambling "stories" (as he describes them) identified a claim whereby Plaintiff was entitled to relief under the law. Because Plaintiff's claims were wholly without merit, and had no jurisdictional basis, the Plaintiff's motion to proceed *in forma pauperis* was denied and his case was dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

Following this ruling, Plaintiff filed an appeal in the Seventh Circuit and seeks to proceed *in forma pauperis* in this appeal. Federal Rule of Appellate Procedure 24(a) governs Plaintiff's motion to appeal *in forma pauperis*. The Rule requires a party seeking to appeal *in forma pauperis* to file a motion in the district court. Fed. R. App. Pro. 24(a)(1). The rule further provides that where "a party who was permitted to proceed *in forma pauperis* in the district-court action . . . may proceed on appeal *in forma pauperis* without further authorization, unless: the district court . . . certifies that the appeal is not taken in good faith." Fed. R. App. Pro. 24(a)(3)(A). If the appeal is deemed to be taken in bad faith, the district court must provide its reasons for the certification in writing. *Id.* "[T]o determine that an appeal is in good faith, a court need only find that a reasonable person could suppose that the appeal has some merit." *Walker v. O'Brien*, 216 F.3d 626, 632 (7th Cir. 2000) (citing *Lee v. Clinton*, 209 F.3d 1025, 1026 (7th Cir. 2000)).

Based on Plaintiff's confusing, ill-pleaded complaint, it is clear his claims are without merit and in bad faith. Plaintiff presented no specific allegations to support his claims or so-called "stories." To permit

STATEMENT

Plaintiff to proceed on appeal *in forma pauperis* with his meritless claims would serve only to waste the appellate court's limited resources. Therefore, Plaintiff's motion to proceed *in forma pauperis* on appeal [15] is denied, and this Court certifies his appeal is taken in bad faith, for the reasons described above.